

REMARKS

At the time the current Office Action was mailed, the Examiner rejected claims 1-5, 7, 10-15, 18-21, and 23-25. By the present response, Applicant has added new dependent claims 26-28. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1, 5, 10, 11, 15, 18, 21, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter "AAPA") in view of "The Windows NT Command Shell" by Tim Hill (hereinafter "Hill")(1998), in view of Buxton (U.S. Patent No. 6,182,279, hereinafter "Buxton"), and further in view of Halva (U.S. Patent No. 6,681,265, hereinafter "Halva"); and claims 2-4, 7, 12-14, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Hill, in view of Halva as applied and further in view of Buxton. Applicant respectfully traverses this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396. (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references

must be thorough and searching, and it must be based on *objective evidence of record*. *In re Lee*, 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

Deficiencies of the Rejection of Claims 1, 5, 10, 11, 15, 18, 21, and 23-25

Independent claim 1 recites, *inter alia*, “storing the command line utility output in a system registry database at a location identified by the identifier.” Similarly, independent claim 15 recites, *inter alia*, “instructions for causing the computer to ... store the command line utility output in a system registry database at a location identified by the identifier.” Finally, independent claim 21 recites, *inter alia*, “a system registry database having a location identified by the identifier, the location identified by the identifier to store an output of the command line utility.”

In the rejection, the Examiner cited AAPA as disclosing storing “command line utility output ... at a location” and retrieving “the command line utility output ... at the location identified by the identifier.” However, the Examiner admitted that AAPA does not disclose a “system registry database.” Instead, the Examiner cited Halva as disclosing storing and retrieving to and from a “system registry database.” However, Applicant asserts that the Examiner has not met the burden of showing a *prima facie* case of obviousness of claims 1, 15, and 21. Instead, the Examiner has simply separated elements of the above-recited claim features so as to find references that the Examiner believes disclose such elements. Applicant reminds the Examiner that when determining differences between prior art and the claimed invention, “*the claimed invention as a whole must be considered*” (Emphasis added). In view of this guidance, Applicant asserts the Examiner has not provided any combination of references that disclose storing “command line utility output in a system registry database at a location identified by the identifier.”

Further, in the rejection, the Examiner cited the redirection symbol, “>”, as disclosing an “identifier in the call of the command line utility.” Office Action mailed November 19, 2009, pages 2-3. However, Applicant maintains that neither the redirection symbol (“>”) nor the

specified file is a “call of the command line utility.” As clearly stated in Hill, “[c]ommand redirection symbols are not visible to the command.” Hill, page 10. Further, Hill states that “the shell processes them before the command is executed and they are not passed as arguments to the command.” *Id.* Thus, the redirection symbol (“>”) is not any call of the command line utility. For example, the command line utility does not process the redirection symbol (“>”). Indeed, as stated in Hill, the shell processes (e.g., executes) the redirection facility *before* the “command,” e.g., command line utility, itself. Further, Applicant asserts that the “specified file” after the redirection symbol (“>”), such as “dir.txt” described in Hill, is not an identifier in the call of the command line utility. The “specified file” is an argument of the redirection symbol. For example, as shown in table 2.4 of Hill, the “command redirection symbols” are provided as “>file” wherein “file” is the name of the specified file. *Id.* When using the redirection symbol, the command line utility does not receive the “specified file” as a call. Instead, the “specified file” is a part of and is used by the redirection symbol. Thus, Hill does not disclose “the application providing an identifier in the call of the command line utility” as recited in independent claims 1, 15, and 21.

For at least these reasons, the cited combination does not disclose all elements of independent claims 1, 15, and 21. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1, 5, 10, 11, 15, 18, 21, and 23-25.

Deficiencies of the Rejection of Claims 2-4, 7, 12-14, 19, and 20

The Examiner rejected claims 2-4, 7, 12-14, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over the combination of AAPA, Hill, Halva, and Buxton.

Claims 2-4, 7, and 12-14 are dependent on claim 1 and claims 19 and 20 are dependent on claim 15. As discussed above with regard to the first ground of rejection under 35 U.S.C. § 103(a), the cited references, taken alone or in hypothetical combination, do not disclose all claimed features of claims 1 and 15. Accordingly, the cited combination does not disclose or

suggest all of the elements of the claimed invention, and thus, cannot possibly render the claimed subject matter obvious. Thus, Applicant respectfully requests withdrawal of the rejection of under 35 U.S.C. § 103(a) and allowance of claims 2-4, 7, 12-14, 19, and 20.

Deficiencies of the Combination

Additionally, Applicant asserts that combination of Buxton with Hill and Hlava is improper and cannot provide the basis for a *prima facie* rejection under 35 U.S.C. 103(a).

Specifically, Applicant maintains that Buxton teaches away from such a combination with Hill and Halva. Hill is a reference directed to the “Windows NT Command Shell.” Hill, page 1. Hill is directed to usage of the “command shell,” a “command prompt,” i.e., a command line, and various commands executed from the “command shell” by typing these commands into the “command prompt.” *Id.* Similarly, Halva is directed to “command files” that are described therein as “a file containing one or more command line operations.” Halva, col. 4, lines 10-20. Thus, both Hill and Halva are directed to usage of the “command line” and various commands executed from the command line. In contrast, Buxton discloses “OLE libraries” that are defined as “system-level services which utilize the interfaces defined by the COM specification” that call a “WIN 32 API.” Buxton, col. 8, lines 6-8. Applicant asserts that there is a clear difference between a *service* and a *command executed from the command prompt* as recited in Hill, and between a *service* and a *command line operation* as recited in Halva. Further, as known to those of ordinary skill in the art and as stated in Buxton, API’s are “application program interfaces” which are also quite different than a utility and a “command line utility.” As they are described in Buxton, neither “application program interfaces” nor “system-level services” are “executable from a command line prompt,” and thus cannot be considered a “command line utility.” Applicant asserts one skilled in the art would not seek to combine Hill and Halva, directed to command line usage, with Buxton, directed to usage of system-level services, e.g., OLE libraries.

In responding to Applicant’s arguments, the Examiner stated:

Examiner respectfully disagrees. As described in the rejection above, Hlava teaches a “system registry database” used for system storage. Additionally, Hlava teaches the use of an API which allows the portability of information between temporary variables and registry entries so that the registry information can be accessed by command lines in command scripts. (e.g. Col. 5, Ln 41-48) As applicant admits, these command scripts can include e.g. command line utilities, which interact with the variables which correspond to registry entries accessed by Hlava’s API. Similar command line utilities of AAPA and Hill to redirect output to e.g. one of the variables described to temporary locations. (e.g. Hill page 11). One of ordinary skill in the art would be motivated to use the Hlava API to move Data between the temporary locations which are used for command line operations (in both Hill & Hlava) and the Registry Data described in Hill, because the Windows Registry is now the principal place to store system data such as configuration parameters (Hlava Col. 1). This would not alter the principle mode of operation of Hlava; instead it’s the primary purpose to provide command line operations (including utilities) access to the registry data.

Office Action mailed November 19, 2009, pages 16-17.

Applicant respectfully disagrees with the Examiner’s interpretation. In particular, the Examiner is misinterpreting the environment variables of Hlava and the “variables described to temporary locations” of Hill. First, the portion of Hill cited by the Examiner does not describe or include any variables. Hill describes redirecting data to a file or to another command using the redirection and pipe commands. Hill does not discuss or mention redirecting output to variables. Hill, pages 10-11. Second, the “environment variables” of Hlava are a specific type of variables used to store application configuration information. Hlava, col. 1, lines 27-34. There is no discussion in Hill of any of these environment variables or how the commands disclosed therein interact with environment variables. Thus, to the extent that the Examiner’s rationale underpinning for the combination relies on the commonality between the “variables” of Hill and the “environment variables” described in Hlava, Applicant asserts there is no such commonality or basis for the combination, as Hill does not teach or suggest “variables,” let alone the

environment variables described in Hill. One of ordinary skill in the art would not seek to use the commands of Hill, such as redirection commands and pipe commands, with the system of Hlava that is clearly directed to the interaction between environment variables and the Windows Registry.

Additionally, in responding to Applicant's arguments, the Examiner stated:

Finally, Applicant's repeated arguments about the differences between 'system level services' in Buxton and the claims are moot as examiner does not rely on these services to teach "command line utilities," and relies on Buxton to teach the identification of locations in a system registry by keys, sub-keys etc as claimed in some dependent claims.

Office Action mailed November 19, 2009, pages 17-18.

However, in contrast to the Examiner's response, Applicant is not arguing against the Examiner's reason for citation of Buxton. However, Applicant *is* arguing against *the combination* of Buxton with AAPA, Hill, and Hlava. In view of this, Applicant is asserting that Buxton discloses "system level services" that are clearly different than a command line utility executed from the command prompt. System-level services, such as the "OLE libraries," are not "executable from a command line prompt," and cannot be considered a "command line utility." Applicant asserts one skilled in the art would not seek to combine Hill and Halva, directed to command line usage, with Buxton, directed to usage of system-level services, e.g., OLE libraries.

New Claims

Applicant respectfully requests that new dependent claims 26-28 be considered. These claims are fully supported by the Specification. For example, support for claims 26-28 may be found on lines 21-23, page 3, of the Specification. Further, Applicant respectfully submits that the prior art of record does not disclose the recited subject matter of claims 26-28. For example, claim 26 recites "without creating a temporary file," claim 27 recites "without use of a temporary file," and claim 28 recites "without using a temporary file." For this reason, Applicant

respectfully submits that new claims 26-28 are allowable over the cited references, taken alone or in hypothetical combination with each other.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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